

ZB# 03-01

**NW Realty/Headlee Mgmt.
(Arby's)**

35-1-102.1 & 2.01

RT. 32 N.W. REALTY, LLC.
(HEADLEE MANAGEMENT ARBY'S)
(SHAW) 35-1-102.1 & 2.01 (sign variance)

03-01

APPROVED

4/03

APPLICATION FEE (DUE AT TIME OF FILLING OF APPLICATION)

FILE # 03-01 TYPE: AREA sign USE _____APPLICANT: Rt. 32 N.W. Realty LLC
(Headlee - Arlyp)TELE: 561-3695 (Shaw)RESIDENTIAL: \$ 50.00 CHECK # _____
COMMERCIAL: \$150.00 CHECK # 1937
INTERPRETATION: \$150.00 CHECK # _____ESCROW: \$500.00 CHECK # 1936DISBURSEMENTS:

	MINUTES \$4.50 PER PAGE	ATTORNEY FEES \$35.00 / MEETING
PRELIM..... <u>1/27</u>	\$ <u>22.50</u>	\$ <u>35.00</u>
2 ND PRELIM.....	_____	_____
3 RD PRELIM.....	_____	_____
PUB HEARING..... <u>2/24</u>	<u>18.00</u>	<u>35.00</u>
PUB HEARING (CONT')...	_____	_____
TOTAL	\$ <u><u>40.50</u></u>	\$ <u><u>70.00</u></u>

OTHER CHARGES:..... \$ _____

* * * * *

ESCROW POSTED:	\$ <u>500.00</u>
AMOUNT DUE:	\$ _____
REFUND DUE:	\$ <u>389.50</u>

COMMERCIAL: \$150.00 CHECK # 1937
INTERPRETATION: \$150.00 CHECK # _____
ESCROW: \$500.00 CHECK # 1936

DISBURSEMENTS:

	<u>MINUTES</u> <u>\$4.50 PER PAGE</u>	<u>ATTORNEY FEES</u> <u>\$35.00 / MEETING</u>
PRELIM..... <u>1/27</u>	\$ <u>22.50</u>	\$ <u>35.00</u>
2 ND PRELIM.....	_____	_____
3 RD PRELIM.....	_____	_____
PUB HEARING..... <u>2/24</u>	<u>18.00</u>	<u>35.00</u>
PUB HEARING (CON'T)...	_____	_____
TOTAL	\$ <u>40.50</u>	\$ <u>70.00</u>

OTHER CHARGES:..... \$ _____

* * * * *

ESCROW POSTED: \$ 500.00
AMOUNT DUE: \$ _____
REFUND DUE: \$ 389.50

Public Hearing - 2/24/03



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

April 29, 2003

Shaw Engineering
P.O. Box 2569
Newburgh, NY 12550

SUBJECT: HEADLEE MANAGEMENT VARIANCE REQUEST
35-1-102.1

Dear Mr. Shaw :

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

-----X

In the Matter of the Application of

ROUTE 32 N.W. REALTY LLC

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #03-01

-----X

WHEREAS, ROUTE 32 N.W. REALTY LLC, owners of 35-1-102.1 & 2.01 Windsor Highway, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 145 sq. ft. freestanding sign and two wall signs, sign #1, request for 6 inch height and sign #2, request for additional 3 ft. X 7 ft. wall sign; and

WHEREAS, a public hearing was held on the February 24th, 2003 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Mr. Gregory Shaw, P.E. appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a commercial property located in a neighborhood of commercial properties on a busy state highway;
 - (b) The proposed free-standing sign will not be illuminated, nor will the façade signs;

- (c) The façade signs will be illuminated with a steady internal illumination which will not flash, nor will it contain any neon;
- (d) The free-standing sign will not interfere with the safe operation of motor vehicles on the adjacent roadway;
- (e) The proposed façade sign will actually be smaller than the sign that is allowed by the code. The variance is sought because it will have slightly different dimensions than is allowed by the code;
- (f) The applicant seeks an additional variance for a additional façade sign because of the location of the property and the need for identification;

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variances.

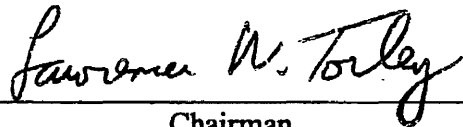
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a for 145 sq. ft. freestanding sing and two wall signs, sign #1, request for 6 inch height and sign #2, request for additional 3 ft. X 7 ft. wall sign; and as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 22, 2003



Chairman

**TOWN OF NEW WINDSOR
ENGINEER, PLANNING BOARD
AND ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: APRIL 25, 2003
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 389.50 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #03-01

NAME: HEADLEE MANAGEMENT CORP.

ADDRESS: 257 RT. 17K

NEWBURGH, NY 12550

THANK YOU,

MYRA

*4/25/03
L.R.*

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

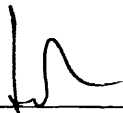
DATE RECEIVED: 01-13-2003 FOR: ESCROW

FROM: HEADLEE MANAGEMENT CORP. (ARBY'S)
257 ROUTE 17K
NEWBURGH, NY 12550

CHECK NUMBER: 1936

AMOUNT: \$500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

 1/13/03
NAME DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

ROUTE 32 N.W. REALTY LLC (03-01)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. TORLEY: Request for 145 sq. ft. freestanding sign and two wall signs, sign #1, request for 6 inch height and sign #2, request for additional 3 ft. x 7 ft. wall sign. So what's the problem?

MR. SHAW: For the record, my name is Greg Shaw and I'm representing--

MR. TORLEY: Anyone wishing to speak on this matter? Seeing no one, please so note.

MR. SHAW: Again, my name is Greg Shaw from Shaw Engineering and I'm representing Headlee Management Corporation tonight the construction of a new Arby's Restaurant on Windsor Highway. We have an application before this board for for three variances, one deals with the freestanding sign and according to the zoning ordinance, we're allowed to provide a total of all faces of 64 square feet and we're asking for a variance of 145 square feet above and beyond that. That may sound like a lot, it really is not. If you take a look at the handout I gave you, the bulk of the signage is in the brickwork of the structure and really not with the sign itself. What we're providing in each direction is a three foot by six foot reader board and then simply the Arby's hat with the letters Arby's in a horizontal fashion. So, again, don't let the numbers scare you, it's not a very big sign. The second variance that we're requesting is for to increase the height of a facade sign. Your zoning ordinance allows a sign per business 2 1/2 feet by 10 feet, we're asking that the board consider our request to go to 3 feet which would be six inches more than that permitted by your zoning. I may point out that the length of that sign is only 7 feet long, so really what we're asking for is a 21 square foot sign in area and your zoning ordinance allows just 2 1/2 by 10, 25 square feet. So we're asking for less in area than what normally would be required. Then the third variance would be for a second facade sign, obviously, one would be facing in a

northerly direction, the other would be facing in a southerly direction and again, that also would be 3 feet by 7 feet again with the three foot dimension exceeding your zoning ordinance.

MR. KANE: How far off the road is the building going to be?

MR. SHAW: From the right-of-way line 97 feet and from the edge of pavement probably about another 20.

MR. KANE: Where are the signs going to go?

MR. SHAW: On the front face over here and over here.

MR. KANE: And the freestanding sign?

MR. SHAW: Right there.

MR. KANE: Thank you.

MR. TORLEY: I see by the notation in the photograph you're going to put one sign on each of two sides of the building and one in the front?

MR. SHAW: Correct.

MR. MC DONALD: You had that at the preliminary, right?

MR. SHAW: Yes.

MR. KANE: Freestanding sign, is that going to be illuminated?

MR. SHAW: The freestanding sign, no, that's your freestanding sign, it's going to be ground mounted.

MR. KANE: And the signs, facade signs?

MR. SHAW: Just going to be these words, Arby's, okay, on the sides of the building, not the front.

MR. KANE: Any illumination on those? Internal?

MR. SHAW: Yes.

MR. KANE: No flashing?

MR. SHAW: No.

MR. TORLEY: Front sign is also going to be illuminated, internally illuminated?

MR. SHAW: Yes.

MR. TORLEY: Again, no flashing lights?

MR. KRIEGER: Steady illumination, no neon, no flashing?

MR. SHAW: Right.

MR. TORLEY: And the situation of the sign is such regarding in relationship to the road that there's no obstruction of drivers' line of sight?

MR. SHAW: No, in fact, no, the right-of-way is a substantial distance from the edge of pavement. We have to be within the outside of the right-of-way so we're significantly back from the edge of pavement where it would not block any views.

MR. TORLEY: I must say it's a very nice looking freestanding sign, no little cement pad with a stick of wood on it, it's a nice brick face.

MR. SHAW: Thank you.

MR. TORLEY: Gentlemen, do you want to take the variance requests separately or together?

MR. KANE: We can do it together.

MR. TORLEY: As noting that there's no one in the audience who wishes to discuss this matter so we're opening and closing to the public. Back to you gentlemen, any other questions you have?

MR. KANE: Accept a motion?

MR. TORLEY: Yes, yes.

MR. KANE: I move we approve the request for 145 square additional feet for a freestanding sign, request for six inch height variance on two wall signs and a request for an additional wall sign that has that height variance.

MR. SHAW: Correct.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE
MR. TORLEY	AYE



RESULTS OF Z.B.A. MEETING OF: February 24, 2003

PROJECT: Rt. 32 N.W. (Arbip) Public Hear. ZBA # 03-01
P.B.#



USE VARIANCE: NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
~~REIS~~ _____
KANE _____
TORLEY _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
~~REIS~~ _____
KANE _____
TORLEY _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
~~REIS~~ _____
KANE _____
TORLEY _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
~~REIS~~ _____
KANE _____
TORLEY _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____
~~REIS~~ _____ CARRIED: Y _____ N _____
KANE _____
TORLEY _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A 4 N 0.

RIVERA A
MC DONALD A
~~REIS~~ _____
KANE A
TORLEY A

CARRIED: Y ✓ N _____.

145 sq ft
6" 2 wall
1 add wall

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4615 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 12/19/02

REVISED: 1/21/03

APPLICANT: Petro Metals inc. & North Plank Dev. Co.
5020 Route 9W
Newburgh, NY 12550

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 12/16/02

FOR : Arby's Restaurant

LOCATED AT: Windsor Highway

ZONE: C Sec/Blk/ Lot: 35-1-102.1

DESCRIPTION OF EXISTING SITE: Future Arby's Restaurant

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-18H(1 a&b)

1. 1 Freestanding sign not to exceed 64sqft total of all faces. Proposed 209sqft sign requires a variance of 145sqft. 1 Façade sign permitted 2.5ftx10ft. 2 Proposed façade signs require a variance for 1 additional sign and .5ft height for each sign.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: C USE:

SIGN:

FREESTANDING: 1-64sqft

1-209sqft

145sqft

HEIGHT:

WIDTH:

WALL SIGNS: Sign # 1- 2.5ftx10ft
 Sign # 2

3ftx7ft
3ftx7ft

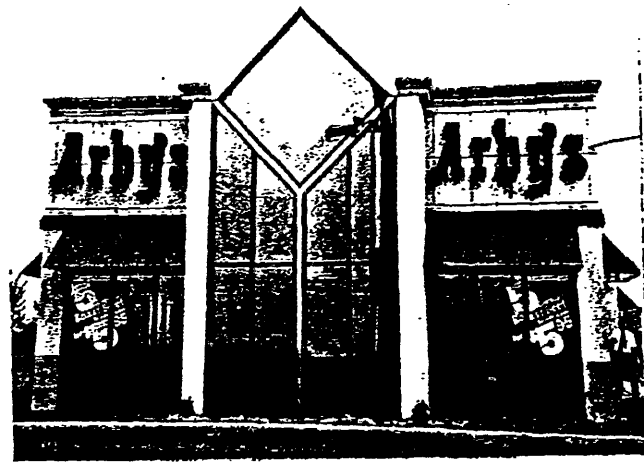
.5 Height
1 - 3ftx7ft additional wall sign

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

cc: Z.B.A., APPLICANT, FILE, W/ATTACHED MAP

ONE SIGN LOCATED ON TWO SIDES
OF THE BUILDING, NOT ON FRONT



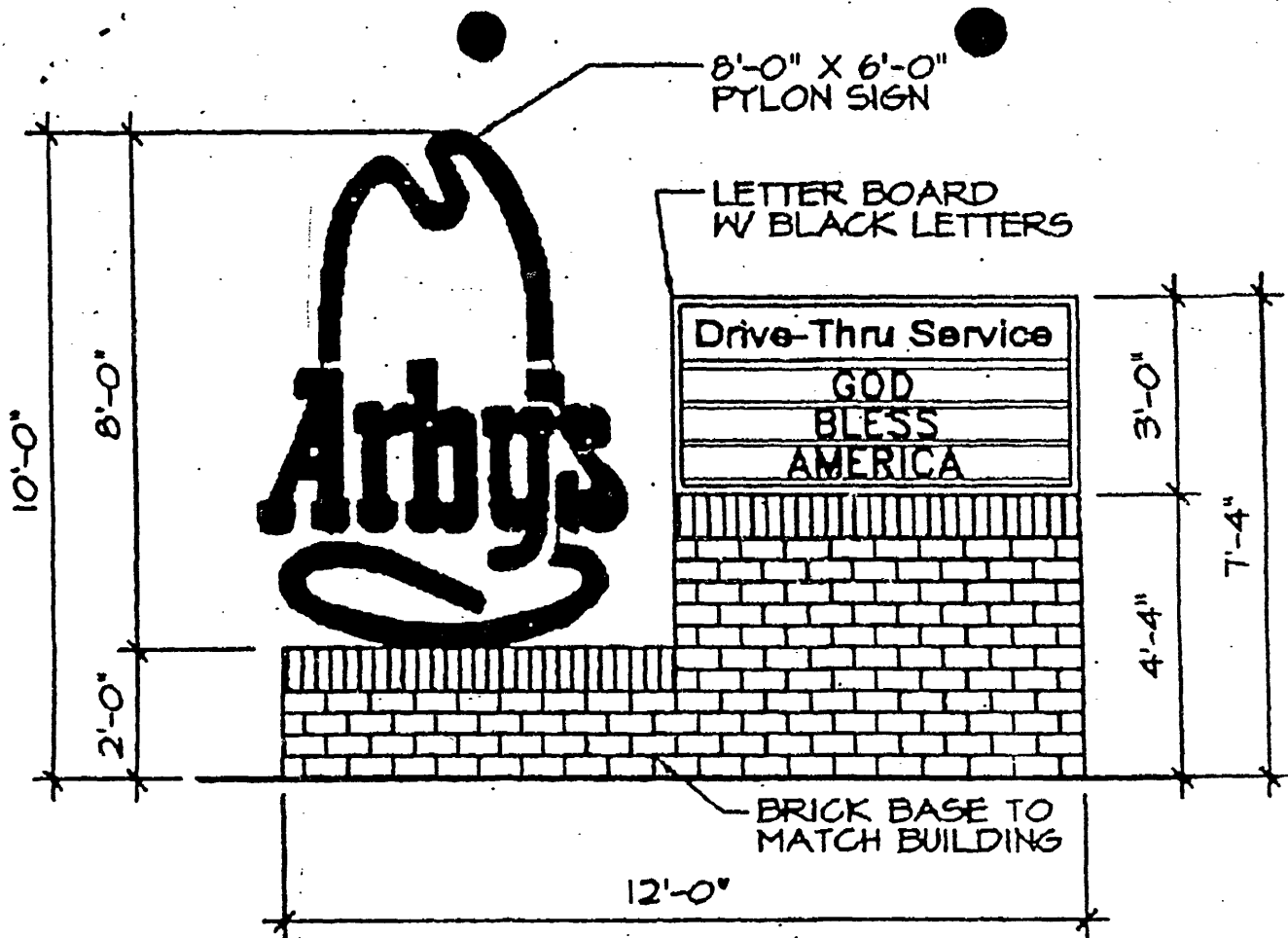
Make the most of your building.

Choices allow you to take advantage of your building's features. You can order letters from 18" to 42" high... with individual transformers or raceway mounts...and with plastic faces or expoded neon.

2- **Arby's®**

Arby's Neon Channel Letters

5 sq. ft.	18" x 3'- 6"
9 sq. ft.	24" x 4'- 8"
14 sq. ft.	30" x 5'- 6"
21 sq. ft.	36" x 7'- 0" ←
37 sq. ft.	42" x 10'- 6"



FREE STANDING SIGN

03-01

IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake in unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be re-inspected after correction.

RECEIVED

DEC 16 2002

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

FOR OFFICE USE ONLY:
Building Permit # 2002-1336

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Lessee
Owner of Premises Route 32 H.W. Realty LLC

Address 259 Route 17K, Newburgh, NY Phone # 564-5250

Mailing Address _____ Fax # _____

Owner
Name of Architect Petra Metals Inc. & North Plank Development Co. LLC

Address 5020 Route 9W, Newburgh, NY Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder Lessee

If applicant is a corporation, signature of duly authorized officer. Engineer For Applicant
(Name and title of corporate officer)

1. On what street is property located? On the West side of Windsor Highway
and 800 feet from the intersection of Old Forge Hill Road
(N, E or W)

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N X

3. Tax Map Description: Section 35 Block 1 Lot 102.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Vacant Land b. Intended use and occupancy Alex's Restaurant

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other SIGN
6. Is this a corner lot? _____ (1) FREE
STANDING

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____

Fee \$ 50
10352

PAID

ZONING BOARD

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lal & Louis Krychear
New Windsor Town Hall
655 Union Avenue
New Windsor, New York 12653
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of premises herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

Engineer For Applicant

(Address of Applicant)

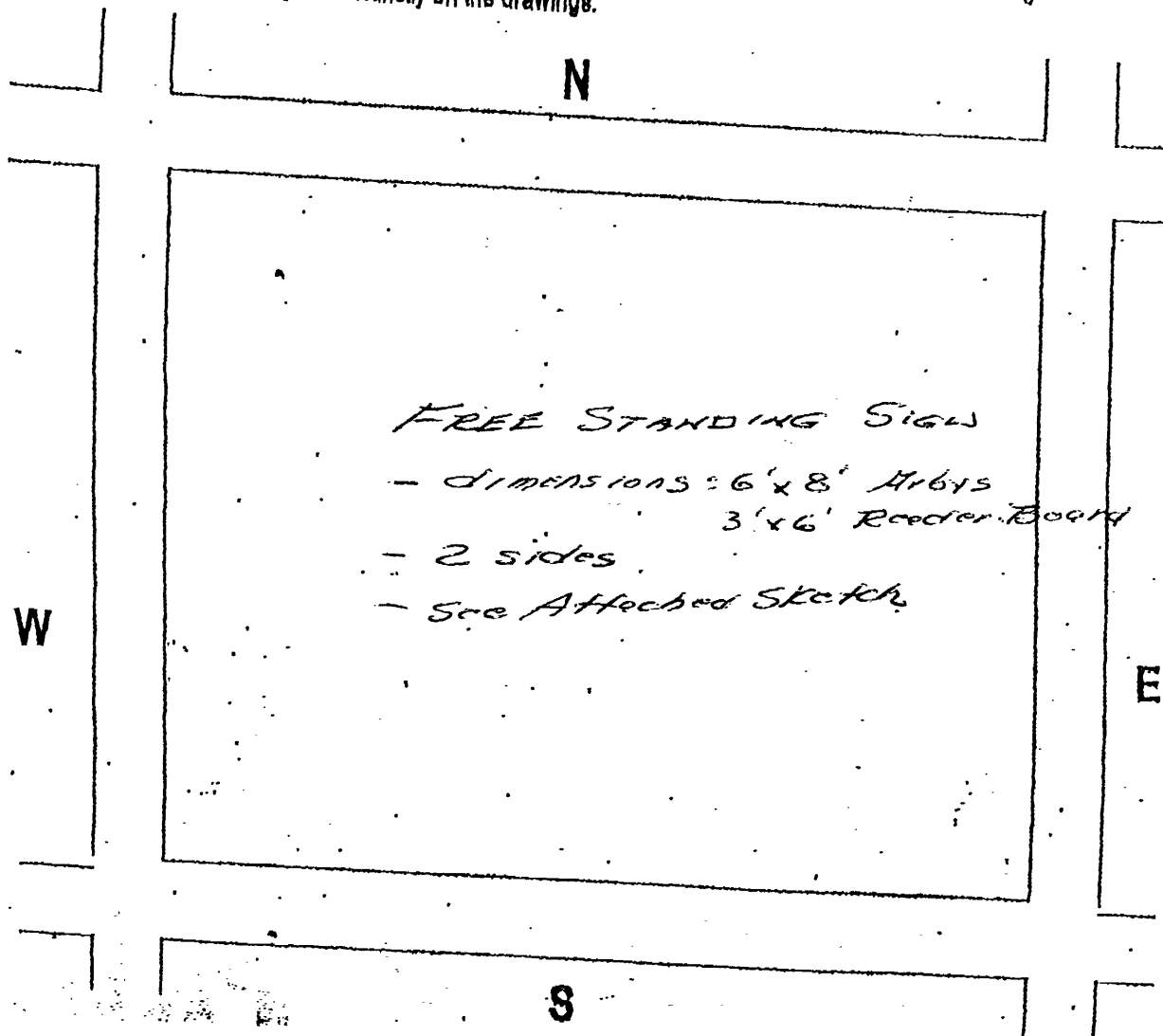
259 Route 17K
New Windsor, N.Y.

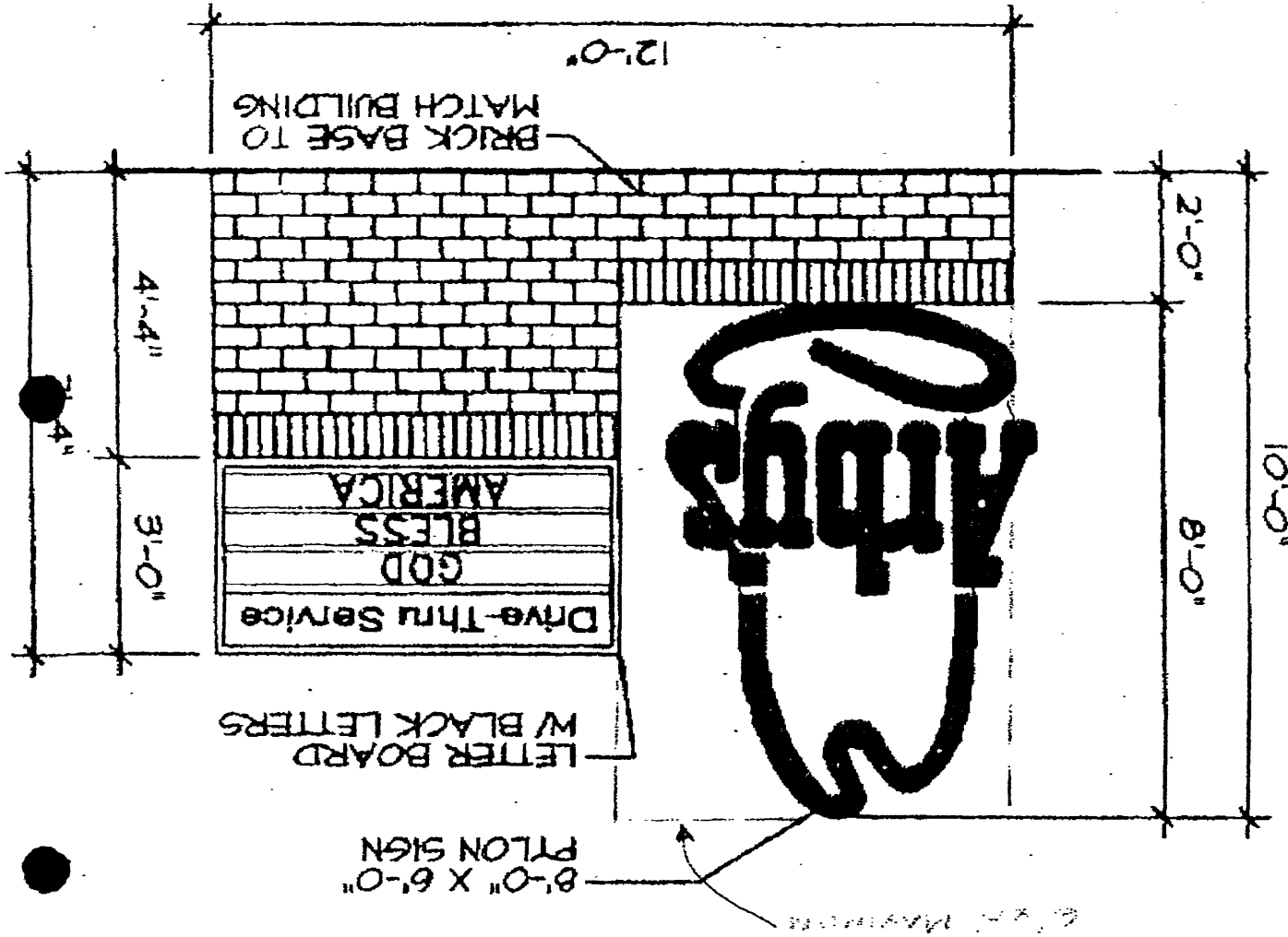
(Owner's Signature)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





2008-01-01
 10'0" H
 8'0" W
 4'0" H
 2'0" W

2 Sides
 34 SF. OF SIGN

IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be re-inspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
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3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plumbing. Final painting to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
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12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

RECEIVED

DEC 16 2002

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 2002-1367

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Lessee
Owner of Premises Route 32 N.W. Realty LLC

Address 259 Route 17K, Newburgh, NY Phone # 564-5250

Mailing Address _____ Fax # 561-3027

Owner
Name of Architect Petro Metals Inc. & North Plank Development Co., LLC

Address 5020 Route 9W, Newburgh, NY Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder Gessee

If applicant is a corporation, signature of duly authorized officer.

Engineer For Approval
(Name and title of corporate officer)

1. On what street is property located? On the West side of Windsor Highway
(N, S, E or W)
and 800 feet from the intersection of Old Forge Hill Road

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N X

3. Tax Map Description: Section 35 Block 1 Lot 102.1

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a. Existing use and occupancy Vacant Land b. Intended use and occupancy Arbys Restaurant

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other SIGN
(#) 2 FACADE

6. Is this a corner lot? No

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____

Fee

\$ 50

ZONING BOARD

10352

PAID

date



APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krysheer
New Windsor Town Hall
666 Union Avenue
New Windsor, New York 12553
(848) 563-4818
(848) 563-4885 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

Engineer For Applicant

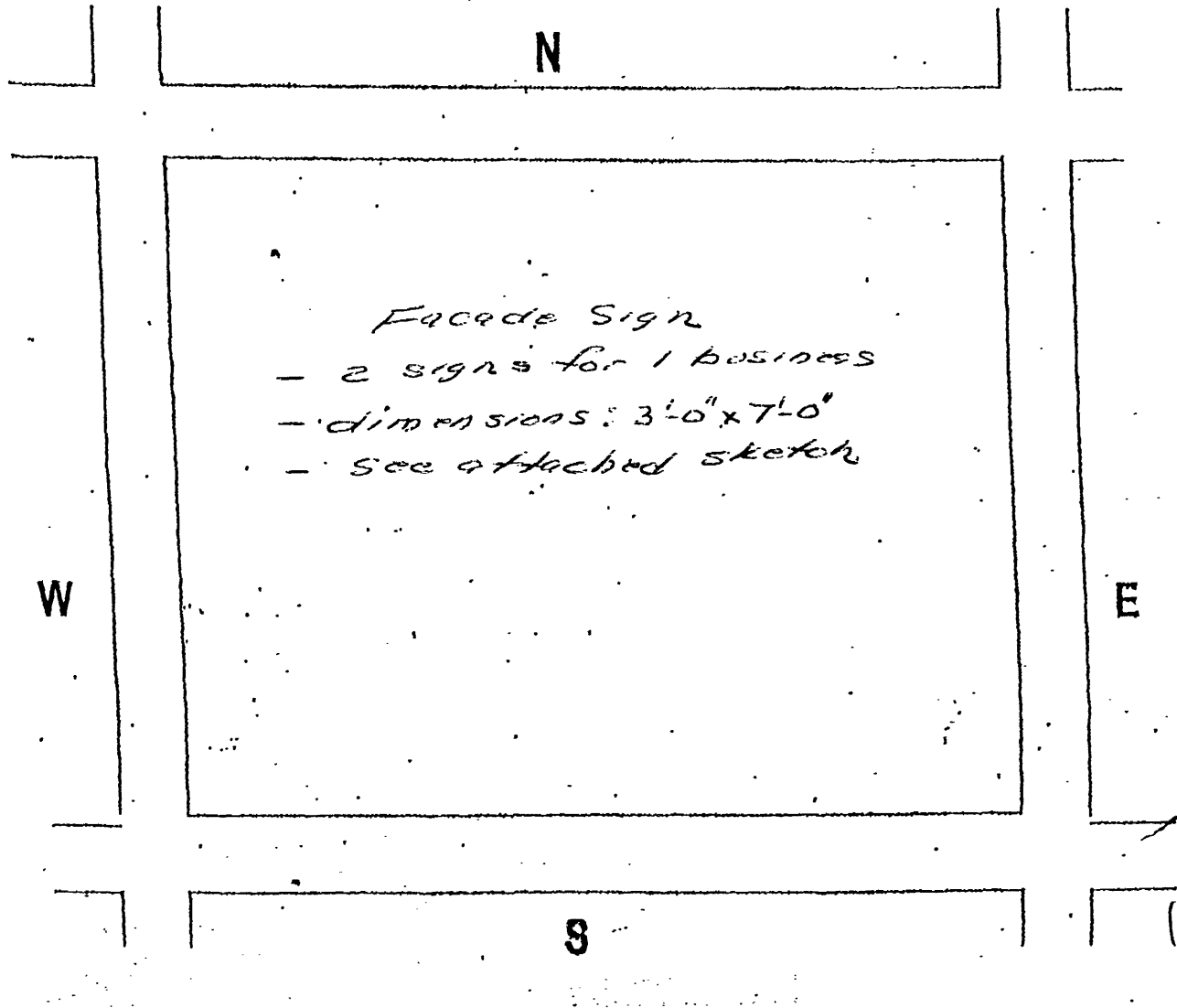
(Address of Applicant)

259 Route 17K
Newburgh, NY

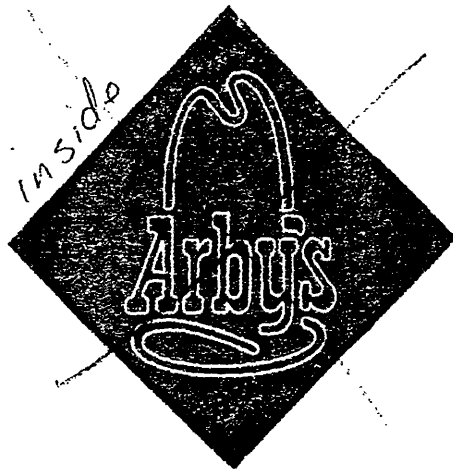
(Owner's Signature)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



BUILDING DESIGN Signage



Arby's Pinnacle Sign
exposed double lined neon
mounted on clear plexiglass



Make the most of your building.

Choices allow you to take advantage of your building's features. You can order letters from 18" to 42" high... with individual transformers or raceway mounts...and with plastic faces or expoded neon.



2 signs on each side of building

Arby's Neon Channel Letters

5 sq. ft.	18" x 3'- 6"
9 sq. ft.	24" x 4'- 8"
14 sq. ft.	30" x 5'- 6"
21 sq. ft.	36" x 7'- 0"
37 sq. ft.	42" x 10'- 6"

35.2

293.9
22
39
153.9

SEC

28
18.4A(C)
29

UTILITIES

SEE SECTION 82

CENTRAIL
WATER

1

62 10.6A(C) LINES

FRIEDMAN

V. 8 NY NO. 15
DISTRICT

44
3A

43
1.7A

45
2A(C)

47
1.2A

48
1.3A

112
53.21
29.3A

30.6A

107
1A

108

54.21
2.4A

58
2.8A(C)

56
1.2A(C)

57
1.3A

54.12

50
1A

51
1.6A

52
3A

SEE SECTION
86

(CONDO SITES)

SE

SECTION 45

102.2
3.7A

102.1
2A

59.21
1.1A

60
1A

61

13.7A
Common School
Dist. No. 3

SECTION 46

E578,000
N532,000

ANGE COUNTY~NEW YORK

8-497,498

Date of Map: 9-24-67

TO

3-1-65

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

ROUTE 32 N.W. REALTY LLC

AFFIDAVIT OF
SERVICE
BY MAIL

#03-01

_____ X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 3rd day of FEBRUARY, 2003, I compared the 28 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

3rd day of February, 2003.

[Signature]
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified in Orange County
Commission Expires 10/30/ 2006

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 03-01

Request of Route 32 N.W. Realty LLC

for a VARIANCE of the Zoning Local Law to Permit:

the installation of a free standing sign where the sign area
of all faces exceed that permitted by Zoning, and the install-
ation of 2 facade signs where the number and sign heights
exceed that permitted by Zoning
being a VARIANCE of Section 48-18 H.(1) (a) & (b)

for property situated as follows:

Windsor Highway

known and designated as tax map Section 35, **Blk.** 1 **Lot** 102.1

PUBLIC HEARING will take place on the 24th **day of** February,
2003 **at the New Windsor Town Hall, 555 Union Avenue, New Windsor,**
New York beginning at 7:30 o'clock P.M.

Lawrence Torley

Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

December 18, 2002

Gregory Shaw
744 Broadway
Newburgh, NY 12550

RE: 35-1-102.1

Dear Mr. Shaw,

According to our records, the attached lists of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's office.

Sincerely,

J. Todd Wiley
Sole Assessor

JM/JJL
Attachments

Cc: Myra Masobvn, ZBA

35-1-59.1
Wabno Inc.
310 Windsor Hwy.
New Windsor, NY 12553 ✓

35-1-59.21
Brauvin Capital Partners
LLC D/B/A BCP LLC
30 N. Lasalle Street
Suite 3100
Chicago, IL 60602 ✓

35-1-60
Jesse Donald & Margaret Deyo
340 Windsor Hwy.
New Windsor, NY 12553 ✓

35-1-61
City School Dist. Of NBG.
Vails Gate Elementary School
98 Grand Street
Newburgh, NY 12550 ✓

35-1-102.2
Windsor Enterprises Inc.
5020 Route 9w
Newburgh, NY 12550 ✓

45-1-29
Ruldolph & Elsie Rivera
34 Continental Drive
New Windsor, NY 12553 ✓

45-1-30
George A. Jr. & Laurel A. Heine
36 Continental Drive
New Windsor, NY 12553 ✓

45-1-31
William & Christine Gegenheimer
1175 67th Street
Brooklyn, NY 11219 ✓

45-1-32
Javier R. & Norma Garcia
40 Continental Drive
New Windsor, NY 12553 ✓

45-1-33
Gerald & Deborah Wynters &
Herbert Milch
42 Continental Drive
New Windsor, NY 12553 ✓

45-1-34
Naomi S. Wessman
44 Continental Drive
New Windsor, NY 12553 ✓

45-1-35
Renee Kroun
Under The Kroun Living Trust
46 Continental Drive
New Windsor, NY 12553 ✓

45-1-36
Chien-Min & Yao-Ming Lu
48 Continental Drive
New Windsor, NY 12553 ✓

45-1-37
Anne Hess & Mary Pascale
50 Continental Drive
New Windsor, NY 12553 ✓

45-1-38
Eleanor K. Kaduk
PO Box 1206
Newburgh, NY 12550 ✓

45-1-39
North Plank Development Company, LLC
5020 Route 9W
Newburgh, NY 12550 ✓

45-1-40.1
Rottmeier Dev. Co. Inc.
C/O Rudolph Rottmeier
2 Park Pl. A 3E
Newburgh, NY 12550 ✓

45-1-40.21
Planet Wings Inc.
24 Sunnyside Ave.
Middletown, NY. 10940 ✓

45-1-40.23
William Horowitz Corp.
6 Hamilton Drive East
North Caldwell, NJ. 07006 ✓

45-1-41.1
Charles Catanzaro
26 Susan Drive
Newburgh, NY 12550 ✓

45-1-42
Susan Schatz
8 Bridge Street
Cornwall, NY 12518 ✓

45-2-1
Alexander & Patricia Milne
27 Continental Drive
New Windsor, NY 12553 ✓

45-2-15
Steven Ponesse & Dawn Marie Mulder
33 Continental Drive
New Windsor, NY 12553 ✓

45-2-16
Steven A. & Shelia K. DeCicco
31 Continental Drive
New Windsor, NY 12553 ✓

45-2-17
Edward & Lenore Smith
29 Continental Drive
New Windsor, NY 12553 ✓

49-1-1.1
Kyriake & Christos & Nikolaos Mylonas
C/o New Windsor Coach Diner
345 Windsor Hwy.
New Windsor, NY 12553 ✓

49-1-1.2
Dimitrios & Pope Mylonas
C/o New Windsor Coach Diner
351 Windsor Hwy.
New Windsor, NY 12553 ✓

86-1-1
Exeter Bldg. Corp.
C/o Gem Management Corp.
PO Box 992
Poughkeepsie, NY 12602 ✓

28

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 03-01

Request of ROUTE 32 N.W. REALTY LLC

for a VARIANCE of the Zoning Local Law to Permit:

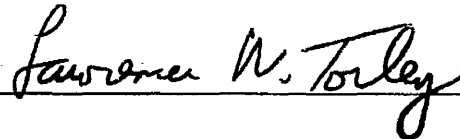
THE INSTALLATION OF A FREE STANDING SIGN WHERE THE SIGN AREA OF ALL FACES EXCEED THAT PERMITTED BY ZONING, AND THE INSTALLATION OF 2 SIGNS WHERE THE NUMBER AND SIGN HEIGHTS EXCEED THAT PERMITTED BY ZONING.

being a VARIANCE of Section 48-18 H (1) (a) & (b)

for property located at: WINDSOR HIGHWAY

known and designated as tax map Section 35 Block 1 Lot 102.1

PUBLIC HEARING will take place on FEBRUARY 24, 2003 AT 7:30 P.M.
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.

A handwritten signature in cursive script, reading "Lawrence W. Tolley", is written over a horizontal line.

Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

February 19, 2003

Mr. Greg Shaw
P.O. Box 2569
Newburgh, NY 12550

SUBJECT: ZBA #03-01 REQUEST FOR VARIANCE

Dear Mr. Shaw:

This is just a reminder that your Public Hearing before the Zoning Board of Appeals for your requested variance at:

RT. 32 N.W. REALTY, LLC
RT. 32

is scheduled for the February 24th, 2003 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

PRELIMINARY MEETING:

ROUTE 32 N. W. REALTY, LLC (ARBY'S) (03-01)

MR. TORLEY: Request for 145 sq. ft. for freestanding sign, two wall signs, sign #1, request for 6 inch height for wall sign, sign #2, request for additional 3 ft. x 7 ft. wall sign.

(Whereupon, Mr. Krieger entered the room.)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: For the record, my name is Greg Shaw and I'm representing Route 32 N.W. Realty, LLC, also known as Headlee Management. Within the past couple weeks, we have gotten site plan approval from the New Windsor Planning Board for a new Arby's Restaurant which is located on Windsor Highway immediately north of the Kentucky Fried Chicken site. What the applicant is proposing is signage which is in excess of that which is permitted by the zoning ordinance. If I may speak to the facade signs first, again, your ordinance allows one sign per business, we're asking, let me back up, maybe the best way to do it is in the order of the rejection from your building inspector. We're requesting variance number one, which is signage for the side of the building. If you just turn to the second page of your handout, we're asking for signage which is 30 inches high, excuse me, 36 inches high. Your zoning ordinance allows signage of only 30 inches high, so the variance number one would be to have the height of the signage increased by six inches and one half of a foot and 2 1/2 feet to 3 feet. Again, your length is 10 feet, we're far less than that, we're only 7 feet in length. So we really have a total of 21 square feet of signage on this particular sign. Again, the ordinance allows 2 1/2 feet by 10 feet. So we're under the area. We just need a variance for the height. The second sign, the second variance that we're asking for is for a second facade sign which would be on the opposite side of the building and that also would be 3 feet by 7 feet. Again, one sign would be on this side, the other sign would be on this side

of the building, this is Windsor Highway, this is the front of the building and that sign would also be for dimensions of 3 feet by 7 feet so we'd be asking for that variance and that variance would be inclusive of really two parts, one, the fact that there's a second sign and two, that the sign again is 3 feet high, six inches in excess of that which is permitted by zoning. And the final variance is for the freestanding sign which would be sitting on the ground. Again, I have passed the handout for you, the requested variance is quite substantial, that's because the rejection from the building inspector not only incorporates the area around the word Arby's and the reader board which is 3 feet by 6 feet, but also the entire brickwork, the entire structure. So it's quite substantial, at least in number, but the reality is we're just looking to build this. And again, with the Arby's sign being the maximum dimensions of 8 feet by 6 feet two sides and the reader board being 3 feet by 6 feet two sides so that's the summary of the three variances that we're requesting from the board on this application.

MR. TORLEY: I see by your handout that Arby's does have official lettering that's 30 inches high?

MR. SHAW: Yes.

MR. TORLEY: Okay, if our sign requirement says 30 inches, why don't you just use the corporately approved 30 inch high sign?

MR. SHAW: Because we feel that in order to market the building properly, we need a variance of six inches, that's really the purpose of this board is to consider requests in excess of the zoning ordinance.

MR. REIS: Greg, can you speak to where the sign is physically going to be? I'm talking about the freestanding sign now.

MR. SHAW: Freestanding sign is going to be in this area right here, in this grassy land between the entrance of the parking area substantially removed, not substantially, just out of the easement for the existing water main which is located along the frontage

of our property would be located in this location.

MR. REIS: Consideration was taken for ingress-egress?

MR. SHAW: Absolutely, we want to make sure they have maximum sight distance, that it doesn't affect that.

MR. TORLEY: How far from the road edge?

MR. SHAW: From the road edge, 40 feet.

MR. TORLEY: Have we had any other signs like this? I don't recall a solid foundation sign. Looks nice.

MR. BABCOCK: Yeah, it does look nice. No, actually, in the past, we've had some not quite solid foundations but we've had signs that were just letters and we have incorporated a square medium around the letters to make up the thing. As you can see, Arby's is not, I don't know if Arby's is just a big R or an arch or if it's solid but it appears that it is not and we took that whole 6 x 8 into account also so there's a big difference, I mean, if you take actually the sign it's really only 132 square feet and we're calling it 209 because we're taking in the entire structure.

MR. MC DONALD: Whole brickwork and everything?

MR. BABCOCK: Yes, it's part of the sign and we can change that.

MR. TORLEY: No, I mean, we'll make a routine out of it, even at the 132 square feet, you still have to be here.

MR. BABCOCK: Right.

MR. TORLEY: Now and there would be no, if there was no sign, just the wall.

MR. SHAW: I already had that conversation.

MR. TORLEY: Just the wall, there'd be no violations, the wall is perfectly legal.

MR. BABCOCK: Yes.

MR. REIS: Greg, can you tell us the structure, what appears to be like this sloppy looking M, is this a solid background or is it open?

MR. SHAW: I would have to ask.

MR. TORLEY: At the public hearing, you can.

MR. SHAW: It's solid. The best I can determine if you were to box out just the area around the hat, it's about 40 square feet.

MR. TORLEY: And then the header board. I was just concerned about the site lines but if it's 40 feet back from the road.

MR. SHAW: Yes.

MR. TORLEY: Internally illuminated, not flashing?

MR. SHAW: Correct.

MR. TORLEY: Gentlemen, any other questions at this time?

MR. MC DONALD: No.

MR. RIVERA: No.

MR. TORLEY: Anyone have a motion?

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: I make a motion that we set up Route 32 N.W. Realty, New Windsor Realty, LLC for the requested variances for their freestanding sign and their two wall signs.

MR. MC DONALD: Second it.

ROLL CALL

January 27, 2003

7

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. TORLEY	AYE

MR. SHAW: Thank you.

11/28/83

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

Frances Roth
400 E. Liberty Lane
Newburgh, N.Y. 12550

DR.

DATE		CLAIMED	ALLOWED
1/27/03	Zoning Board Mtg	75.00	
	Mrs. - 3		
	Route 32 N.W. Realty - 5		
	Fayo - 3		
	Fianza - 7		
	Bonichiasa - 8		
	<u>26</u>	117.00	
		192.00	



RESULTS OF Z.B.A. MEETING OF:

January 27, 2003

PROJECT: N.W. Rt. 32 Realty

ZBA # 03-01
P.B.#



USE VARIANCE: NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
~~KANE~~ _____
TORLEY _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
~~KANE~~ _____
TORLEY _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
~~KANE~~ _____
TORLEY _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
~~KANE~~ _____
TORLEY _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) R S) M VOTE: A 4 N 0
RIVERA Y
MCDONALD Y
REIS Y
~~KANE~~ _____
TORLEY Y
CARRIED: Y ✓ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____.

RIVERA _____
MC DONALD _____ CARRIED: Y _____ N _____.
REIS _____
~~KANE~~ _____
TORLEY _____

Not flashing sign

ZBA #03-01

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#26-2003

01/13/2003

Headlee Management Corp
257 Route 17k
Newburgh, NY 12550

**Received \$ 150.00 for Zoning Board Fees, on 01/13/2003. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

SIGN SCHEDULE

New Arby's Restaurant
For
Route 32 N.W. Realty, LLC
December 27, 2002

Free Standing Sign

Variance No. 1: Area Of Free Standing Signs

- "Identification Sign": 8.0' x 6.0' (2 sides)	96 S.F.
- "Reader Board" 6.0' x 3.0' (2 sides)	<u>36 S.F.</u>
	132 S.F.

Area Of Free Standing Sign Allowed
Variance Requested

64 S.F.
68 S.F.

Facade Signs

Variance No. 2: Number Of Facade Signs

Number of Facade Signs Requested	2
Number of Facade Signs Allowed	<u>1</u>
Variance Requested	1

Variance No. 3: Height Of Facade Sign For Each Of 2 Signs

Height Of Facade Sign Requested	3'-0"
Height of Facade Sign Allowed	<u>2'-6"</u>
Variance Requested	0'-6"

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

03-01

Date: January 2, 2003

I. Applicant Information:

- (a) Route 32 N.W. Realty LLC, 259 Route 17K, Newburgh, NY 12550
(Name, address and phone of Applicant) ~~(Owner)~~
- (b) Petro Metals Inc. & North Plank Development Co., LLC
(Name, address and phone of purchaser or lessee) 5020 Route 9W, Newburgh, NY 12550
(Owner)
- (c) _____
(Name, address and phone of attorney)
- (d) Gregory J. Shaw, PE, 744 Broadway, Newburgh, NY 12550 561-3695
(Name, address and phone of contractor/engineer/architect/surveyor)

II. Application type:

☐ Use Variance
☐ Area Variance

☒ Sign Variance
☐ Interpretation

III. Property Information:

- (a) C Windsor Highway (vacant) 35-1-102.1 2.01
(Zone) (Address of Property in Question) (S-B-L) (Lot size)
- (b) What other zones lie within 500 feet? R-5
- (c) Is pending sale or lease subject to ZBA approval of this Application? No
- (d) When was property purchased by present owner? 2000
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? Yes. If so, when? 1999
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? No

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

(Describe proposal) _____

03-01

(b) The legal standard for a "Use" Variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area Variance:

(a) Area variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*		
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** Non-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe

why you believe the ZBA should grant your application for an area variance:

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section 48-18 H. (1)(a) & Section _____, Supplementary Sign Regulations (b)

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	<u>Free Standing</u>	<u>Refer To Attached Sign Schedule</u>	
Sign #2	<u>Facade</u>	<u>Refer To Attached Sign Schedule</u>	
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

- (b) Describe in detail the sign (s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

Refer To Attached Narrative

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and free-standing signs? 174 SF.

VII. Interpretation.

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____.
- (b) Describe in detail the proposal before the Board:

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Inspector or Planning Board.
☒ Copy of tax map showing adjacent properties.
☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
☒ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
☒ Copy(ies) of sign(s) with dimensions and location.
☒ Two (2) checks, one in the amount of \$ 150 and the second check in the amount of \$ 500, each payable to the TOWN OF NEW WINDSOR.
☐ Photographs of existing premises from several angles.

X. Affidavit.

Date: January 2, 2003

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Jan L. Meadler
(Applicant)

Sworn to before me this

1th day of January 2003

XI. ZBA Action:

Amye Woodard

AMY E. WOODARD
Notary Public, State of New York
No. 01WO4903123
Qualified in Dutchess County
Commission Expires Aug. 31, 2005

(a) Public Hearing date: _____.

03-01

**Route 32 N.W. Realty, LLC
(Arby's Restaurant)**

January 2, 2003

The subject parcel is 2.01 acres in size, and is located on the west side of Windsor Highway within the Design Shopping (C) Zoning District. Windsor Highway is a NYS Highway, and is the main commercial corridor of the Town of New Windsor. The Applicant proposes to construct a 3,450 S.F building for an Arby's Restaurant which is a permitted use within the Design Shopping Zoning District.

A Variance is being requested for the area of the free standing sign. The total signage of the 2-sided free standing sign including the Reader Board is 132 SF. This is 68 SF more than that permitted by the Zoning Code. With Windsor Highway being the primary commercial corridor of New Windsor, the Variance is not excessive and is in fact consistent with the existing signage along the state highway.

Variances are also being requested for the facade signs, a copy of which is attached to this Application. New Windsor Zoning allows one facade sign for each business. The requested Variance is for two signs for Arby's Restaurant. Also, a Variance is being requested for the height of the facade signage. New Windsor Zoning allows for each business one sign having the dimensions of 2.5 feet high by 10 feet long which is quite restrictive. The requested Variance is to allow each of the two facade sign to be 3'-0" in height.

The granting of the above three Variances are not substantial when considering the existing signage along the commercial corridor of Windsor Highway. The granting of the Variance is not detrimental to the health, safety, or welfare of the neighborhood since the property is located in the Design Shopping Zone, and is a permitted use. The granting of the Variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district. The granting of the Variances will not produce an undesirable change in the neighborhood or be a detriment to adjoining properties

There is no other method that the Applicant can feasibly pursue other than the Variances sought in this Application. In view of all the facts and circumstances presented to this Board, the Applicant respectfully requests that the Variances sought be granted.

03-01

PROXY AFFIDAVIT

SUBMISSION OF APPLICATION FOR VARIANCE # _____

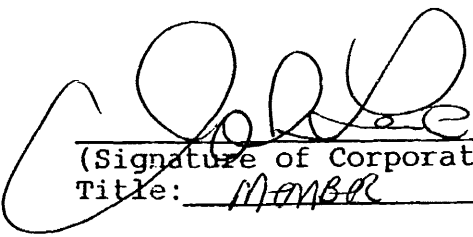
ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

STATE OF)
) SS.:
COUNTY OF)

John J. Lease III, being duly sworn, deposes
and says: I am the President of North Plank Development Co. LLC
the record owner of
a certain parcel of land within the TOWN OF NEW WINDSOR
designated as tax map SECTION 35 BLOCK 1 LOT 102.1.
I HEREBY AUTHORIZE Gregory J. Shaw, PE of
Shaw Engineering (company name)
to make an application before the ZONING BOARD OF APPEALS as
described in the within application.

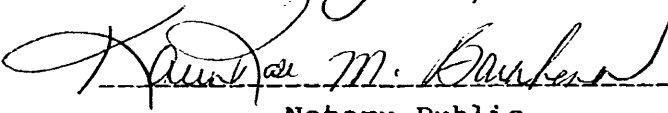
Dated: January 2, 2003.


(Signature of Corporate Officer)

Title: MEMBER

Sworn to before me this

8 day of January, 2003.


Notary Public

Karen Rose M. Barahona
Notary Public, State of New York
No. 01BA6058810
Qualified in Ulster County
Commission Expires May 14, 2003

(ZBA DISK#1-012996.CP)

03-01

